

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

April 28, 2006

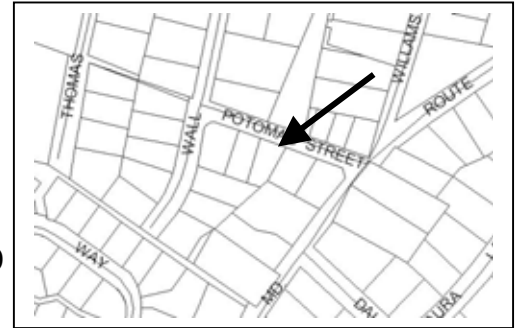
SUBJECT:

Variance Application APP2006-00860

Applicant: Mr. Robert Schaaf
306 Potomac Street
Rockville, Maryland 20850

Property Location: 306 Potomac Street

Board of Appeals Public Hearing Date: May 6, 2006



REQUEST:

The applicant is requesting a side yard variance in order to retain a handicapped ramp. The mostly five foot wide by approximately fifty foot long ramp is located along the left side of the house.

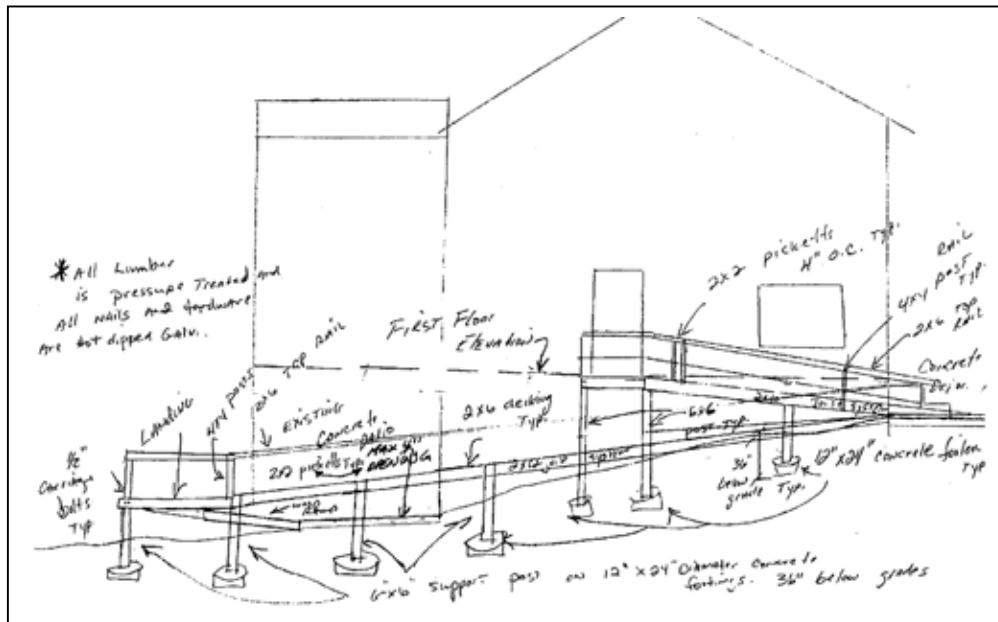
STAFF RECOMMENDATION:

Approval, subject to the condition that the applicant submit an Affidavit of Posting certifying that the public hearing sign has been posted on the property in accordance with City requirements.

ANALYSIS:

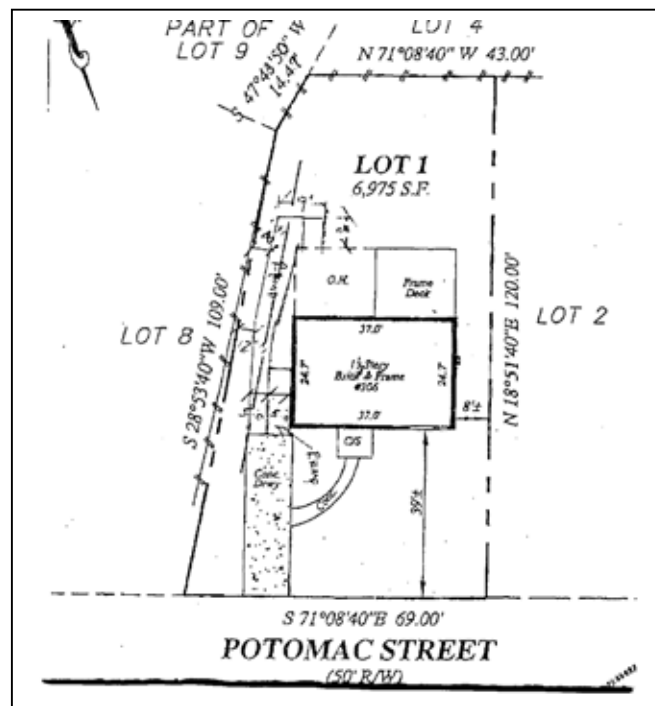
Project Proposal

A handicapped ramp was constructed on the subject property to accommodate the needs of the owner, who is quadriplegic. The contractor did not, however, obtain a building permit prior to its construction. For the most part, the ramp is five feet wide but at the front and back of the house it is ten feet wide. In the front, one part of the ramp leads to the side door for entry into the first level of the house and the other leads to the back yard. In the rear, the ramp makes a one hundred eighty degree turn in order to meet grade and allow entry into the basement level of the house.



Property Description and Background

The property is located within the Brewer's Addition to Rockville subdivision. The 6,975 square foot lot is located in the R-90 Zone. The lot is irregularly shaped with the right side and rear lot lines perpendicular to the front lot line. The left side lot line is broken into two segments that are not parallel to the house or to the right side lot line. The distance between the house and the lot line varies from twelve to fourteen feet. The front of the lot is relatively flat but a significant grade change occurs on the side of the house that allows for a walkout basement door on the rear of the house.



Requested Variance

The property is located within the R-90 Zone, where the required minimum side yard setback is eleven feet. However, per Section 25-19(d), lots that are narrower than the minimum width required in the zone may use the side setbacks in effect for the next higher density single family zone. Because this lot is only sixty nine feet wide at its widest point and not the eighty feet required by the R-90 Zone, the side yard setback requirement is nine feet on each side, as is required in the R-75 Zone. Since the ramp is placed approximately four feet from the property line, the ramp encroaches five feet into the side yard setback at the closest point.

Applicable Sections of the Zoning Ordinance

Section 25-1 defines variance as a modification only of the density, bulk or area requirements, where such modification will not be contrary to the public interest and, owing to conditions unique to the property and not the result of any action taken by the applicant, of which literal enforcement of the ordinance would result in practical difficulty.

Staff Analysis and Recommendation

The following are the findings that must be made in order for the Board to approve a variance, as well as staff's observations.

1. **The variance as requested would not be contrary to the public interest.** The longest portion of the ramp accommodates the drop from the front yard to the rear yard. While its height may deviate from established grade in some places, the deviation is only necessary to give the ramp a pitch that is gentler than the property's grade. Since the ramp and railing are not habitable space and are not taller than a six-foot fence, which would be allowed in the location, the variance as requested would not be contrary to the public interest.
2. **The variance is requested owing to conditions peculiar to the property and not the result of any action taken by the applicant.** The lot is irregularly shaped and small at 6,975 feet in size for a property that is zoned R-90, which requires a minimum lot size of 9,000 square feet. The grade is steep along the side of the house and does not allow for an on-grade path of travel for the applicant. Therefore, the variance is requested owing to conditions peculiar to the property and is not the result of any action taken by the applicant.
3. **A literal enforcement of the Ordinance will result in practical difficulty.** A literal enforcement will result in practical difficulty for the applicant. Typically, the placement of a sidewalk with stairs along the side of a house is not difficult to place and often does not require a permit of any kind. The grade on this lot dictates the need for a ramp instead of a typical sidewalk with stairs in order to accommodate the applicant's needs. Because the ramp must be raised in certain

spots, it is clearly a structure that is subject to the setback requirements. Without a variance it will not be possible for the applicant to access the basement of the home and would clearly result in practical difficulty.

Based on the above, staff recommends approval of Variance Application APP2006-00860.

NOTIFICATION

Notices about the public hearing were sent to 396 residences, including those that are legally required.